

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Bradford J. Sandler

Paul J. Labov

Beth E. Levine (admitted *pro hac vice*)

Colin R. Robinson

PACHULSKI STANG ZIEHL & JONES LLP

780 Third Avenue, 34th Floor

New York, NY 10017

Telephone: (212) 561-7700

Facsimile: (212) 561-7777

bsandler@pszjlaw.com

plabov@pszjlaw.com

blevine@pszjlaw.com

crobinson@pszjlaw.com

Counsel to the Plan Administrator

In re:

BED BATH & BEYOND INC., *et al.*¹

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)



Order Filed on September 4, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**ORDER GRANTING PLAN ADMINISTRATOR'S MOTION TO
ENFORCE INJUNCTIVE PROVISIONS OF PLAN AND CONFIRMATION ORDER**

The relief set forth on the following pages, numbered two (2) through three (3), is

ORDERED.

DATED: September 4, 2024



Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

(Page | 2)

Debtors: BED BATH & BEYOND INC., *et al.*

Case No. 23-13359-VFP

Caption of Order: ORDER GRANTING PLAN ADMINISTRATOR'S MOTION TO ENFORCE INJUNCTIVE PROVISIONS OF PLAN AND CONFIRMATION ORDER

Upon the motion (the "Motion")² of the Plan Administrator, pursuant to sections 105, 524, and 1141 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code"), Article X.F of the *Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and Its Debtor Affiliates*, dated September 11, 2023 [Docket No. 2172, Exh. A] (the "Plan"), and Paragraph 137 of the Court's *Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement on a Final Basis and (II) Confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and Its Debtor Affiliates*, entered September 14, 2023 [Docket No. 2172] (the "Confirmation Order"), seeking entry of an order (this "Order") (i) enforcing the discharge and injunction provisions of the Plan and Confirmation Order to prohibit Anthony Mitchell ("Mitchell"), an alleged former shareholder of BB&B, from continuing to prosecute, in violation of the Plan and Confirmation Order, the action styled *Mitchell v. Cohen et al.*, Case No. 24-cv-01042-RFB-DJA (D. Nev.) in the United States District Court for the District of Nevada (the "Violative Action") against 20230930-DK-Butterfly, Inc., formerly known as Bed Bath & Beyond Inc.³ ("BB&B"), and (ii) granting related relief; and upon consideration of the record of these Chapter 11 Cases; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before this Court; consideration of the Motion and the relief requested being a core proceeding pursuant

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

³ Pursuant to the *Certificate of Amendment of the Certificate of Incorporation of Bed Bath & Beyond Inc.*, which was filed with the State of New York Department of State on September 21, 2023, the name of the entity formerly known as "Bed Bath & Beyond Inc." was changed to 20230930-DK-Butterfly, Inc. [Filing ID No. 230921001833 DOS ID 315602].

to 28 U.S.C. § 157(b); and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined for the reasons stated on record at the hearing on the Motion held on August 22, 2024 (the "Hearing"), that the relief sought in the Motion, that only sought dismissal of the Violative Action against BB&B and any affiliated Debtors, and not as to any of the other defendants listed in the Violative Action, is in the best interests of the Debtors' estates, their creditors and all parties in interest, and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and the Court having considered and overruled the objection of Mr. Mitchell, who did not appear at the Hearing; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. No later than ten (10) days after entry of this Order, Mitchell shall take all appropriate actions to dismiss Mitchell's Violative Action against BB&B and any of the other affiliated Debtors listed in these Chapter 11 Cases that are or may be named in the Violative Action by Mitchell.
3. The Plan Administrator is authorized to take any and all actions reasonably necessary or appropriate to effectuate the relief granted pursuant to this Order.
4. Notwithstanding any applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, or any other applicable rule, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
5. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.